

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested. In the outstanding office action, claims 1-27 are pending in the application. Claims 1-27 are rejected.

Claims 18 and 23 were rejected under 35 U.S.C. § 102(e) as being unpatentable by Keirinbou (U.S. 6,285,893)

Claims 1-13, 15 -17, 19 -22, and 24 -27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Keirinbou (U.S. 6,285,893) and further in view of Comp, Jr. (U.S. 6,411,826).

Claim 14 is rejected under 35 U.S.C. 103 as being unpatentable over Keirinbou (U.S. 6,285,893) and further in view of Comp, Jr. (U.S. 6,411,826) and Horii (U.S. 6,498,589).

RESPONSE TO THE OFFICE ACTION

In response to the office action, claims 1, 7, 13, and 15 were amended. Claims 2-6, 8, 14, 16 -18, 19 -22, and 23 -27 14 remain unchanged.

Applicant notes that Applicant has not received a Notice of Draftsperson's Patent Drawing Review (PTO-948) for this case. Applicant respectfully requests Examiner to forward such document when available.

FORMAL MATTERS**Objection to the Affidavit:**

In the office action dated April 15, 2004, the Affidavits filed previously were objected to by the examiner. Applicant presumes that the examiner's reference to "The Affidavits under 37 CFR 1.132 filed 02-14-02" was in error and that the examiner is actually referring to the "Declaration of Prior Invention in the United States to Overcome Cited Patent or Publication (37 CFR 1.131) and accompanying statement of diligence both signed by the inventor and dated January 27, 2004" as submitted previously. A copy of this declaration is attached herein for clarity. Applicant respectfully submits that the declaration is sufficient to overcome the rejections of claims 1-27. Applicants point to item 7 of the declaration in which the inventor/applicant includes the required acknowledgement. Applicant therefore respectfully requests the withdrawal of the examiner's objection.

SUBSTANTIVE MATTERS**Claim Rejections - 35 U.S.C. § 102(e):**

The rejection of Claims 18 and 23 under 35 U.S.C. § 102(e) as being unpatentable by Keirinbou (U.S. 6,285,893) is respectfully traversed and reconsideration and withdrawal of the rejection is respectfully requested at this time.

Claim 18 comprises all the limitations of original Claim 5 which was previously acknowledged by the examiner as allowable subject matter in view of the cited prior art including Keirinbou (U.S. 6,285,893). Claim 23 comprises all the limitations of original Claim 11 which was previously acknowledged by the examiner as allowable subject matter in view of the cited prior art including Keirinbou (U.S. 6,285,893). Specifically, in an office action dated

November 19, 2003, the examiner states in item 5, page 7: "*Claims 5 and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*" Claim 18 comprises original claim 5 rewritten in independent form including all of the limitations of the base claim 1. There were no intervening claims. Claim 23 comprises original claim 11 rewritten in independent form including all the limitations of the base claim 7. There were no intervening claims.

Applicant respectfully submits, as acknowledged by the examiner in the previous office action, that Keirinbou (U.S. 6,285,893) does not anticipate the invention recited in Claims 18 and 23. Keirinbou (U.S. 6,285,893) does not anticipate:

"a plurality of hand sensors coupled to the controller, wherein the controller receives a signal from at least one of the plurality of hand sensors, and further wherein the controller sends the antenna control signal to the radio frequency switch in response to receiving the signal from at least one of the plurality of hand sensors, and

further wherein the radio frequency switch activates a second antenna of the plurality of antennas of the antenna system as the active antenna in response to receipt of the antenna control signal."

Claim Rejections - 35 U.S.C. § 103(a):

The rejection of Claim 14 under 35 U.S.C. 103(a) as being unpatentable over Keirinbou (U.S. 6,285,893) and further in view of Comp, Jr. (U.S. 6,411,826) and Horii (U.S. 6,498,589) is respectfully traversed and reconsideration and withdrawal of the rejection is respectfully requested at this time. In response to an office action dated November 19, 2003, applicant submitted a declaration of prior invention in the United States under 37 C.F.R. §1.131 to overcome the cited patent Horii (U.S. 6,498,589). As discussed previously herein, Applicant respectfully submits that the examiner's objection to this declaration is in error and requests the declaration be considered in light of this new rejection of Claim 14. Applicant respectfully submits that the rejection of Claim 14 under 35 U.S.C. 103(a) as being unpatentable over Keirinbou (U.S. 6,285,893) and further in view of Comp, Jr. (U.S. 6,411,826) and Horii (U.S. 6,498,589) is moot in view of the previously submitted declaration.

Applicant respectfully requests reconsideration of the rejection of Claims 1 and 7 under 35 U.S.C. 103(a) as being unpatentable over Keirinbou (U.S. 6,285,893) and further in view of

Camp, Jr. (U.S. 6,411,826) as herein amended. Claims 1 and 7 have been amended to clarify that “the controller is adapted to: receive the first display orientation, and generate the first antenna control signal, wherein the first antenna control signal is determined by associated with the first display orientation.” Support for this amendment can be found in Applicant’s original specification at page 13, lines 4.

Applicant respectfully submits that Keirinbou (U.S. 6,285,893) in view of Camp, Jr. (U.S. 6,411,826) does not anticipate the invention recited in amended Claims 1 and 7. Keirinbou (U.S. 6,285,893) in view of Camp, Jr. (U.S. 6,411,826) does not anticipate the controller determining what antenna control signal to send (i.e. which antenna to utilize) based on the orientation of the display. Applicant submits that the Camp patent actually teaches away from the present invention firstly since in Camp there is only one antenna and secondly that the only association between the controller and the display orientation is that the processor can send a message suggesting the device user orient the device in a different direction. There is no anticipation of determining the display orientation and then choosing which antenna to use in accordance thereof. Applicants respectfully submit that Claims 1 and 7 are in proper condition for allowance and request that Claims 1 and 7 may now be passed to allowance.

Applicant respectfully requests reconsideration of the rejection of Claims 13 and 15 under 35 U.S.C. 103(a) as being unpatentable over Keirinbou (U.S. 6,285,893) and further in view of Camp, Jr. (U.S. 6,411,826) as herein amended. Claims 13 and 15 have been amended to clarify that “each of the plurality of antenna control signals is generated by the controller using one of the plurality of display orientations of the display.” Support for this amendment can be found in Applicant’s original specification at page 13, lines 4.

Applicant respectfully submits that Keirinbou (U.S. 6,285,893) in view of Camp, Jr. (U.S. 6,411,826) does not anticipate the invention recited in amended Claims 13 and 15. Keirinbou (U.S. 6,285,893) in view of Camp, Jr. (U.S. 6,411,826) does not anticipate the controller determining what antenna control signal to send (i.e. which antenna to utilize) based on the orientation of the display. Applicant submits that the Camp patent actually teaches away from the present invention firstly since in Camp there is only one antenna and secondly that the only association between the controller and the display orientation is that the processor can send a message suggesting the device user orient the device in a different direction. There is no

anticipation of determining the display orientation and then choosing which antenna to use in accordance thereof. Applicants respectfully submit that Claims 13 and 15 are in proper condition for allowance and request that Claims 13 and 15 may now be passed to allowance.

Applicant respectfully requests reconsideration of the rejection of Claims 2-6, 8, 16 -17, 19 -22, and 24 -27 under 35 U.S.C. 103(a) as being unpatentable over Keirinbou (U.S. 6,285,893) and further in view of Comp, Jr. (U.S. 6,411,826). Applicants submit that Claims 2-6, 8, 16 -17, 19 -22, and 24 -27 are allowable over the cited references based on their dependencies upon amended claims 1, 7, 13, and 15 which claims were shown to be allowable above. In addition, Applicants submit that Claims 2-6, 8, 16 -17, 19 -22, and 24 -27 are independently patentable because they include limitations not taught or suggested by the cited references. Therefore, since Claims 2-6, 8, 16 -17, 19 -22, and 24 -27 introduce additional subject matter that, particularly when considered in the context of the recitations of amended claims 1 and 14, constitutes patentable subject matter, Applicants respectfully submit that Claims 2-6, 8, 16 -17, 19 -22, and 24 -27 are in proper condition for allowance and request that Claims 2-6, 8, 16 -17, 19 -22, and 24 -27 may now be passed to allowance.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

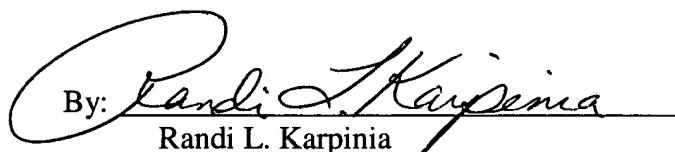
Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 24273

By: 
Randi L. Karpinia
Attorney of Record
Reg. No.: 46,148
Telephone: 954-723-6449
Fax No.: 954-723-5599
Email: Randi.Karpinia@motorola.com